IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael J. Briskin, Douglas J. Ringler, Dominic Picarella and Walter Newman		
Application No.:	08/875,849	Group Art Unit:	1644
Filed:	September 8, 1997	Examiner:	R. Schwadron
Confirmation No.:	4411		
For:	MUCOSAL VASCULAR ADDRESSINS AND USES THEREOF		

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 8, 2003 (Date) Elizabeth Anne Sweeney (Signature)
Elizabeth Anne Sweeney
Typed or printed name of person signing certificate

REPLY TO OFFICE COMMUNICATION AND NOTICE TO COMPLY WITH 37 C.F.R. §§1.821-1.825

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is submitted in response to the Office Communication and Notice to Comply with Requirement for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures attached thereto, mailed from the Patent Office on April 9, 2003. A copy of the Notice to Comply is enclosed.

The reasons for issuing a Notice to Comply are set forth in the Office Communication. Referring to the primers disclosed in the specification at page 71 (SEQ ID NOS:12 and 13), which are taught to contain "a portion complementary" to coding strand nucleotides at certain positions in SEQ ID NO:1 (specification, at page 71, lines 8-10 and lines 16-19), the Examiner stated:

> [T]he sequence Listing needs to disclose that said sequences is [sic] "antisense", because said sequence is a 5' to 3' representation of an antisense sequence. This information can be listed in the prefuly 1998 format (as per the instant sequence listing) in section (2) of the sequence listing (INFORMATION FOR SEQ. ID NO:) as depicted in the M.P.E.P. section 2424 (Rev. 3, July 1997, page 2400-29).

Applicants respectfully disagree that the Sequence Listing must disclose that SEQ ID NOS:12 and 13 are "antisense." 37 C.F.R. § 1.823(b) sets forth the mandatory, recommended and optional elements of the Sequence Listing and provides that:

> The submission of those items of information designated with an "M" is mandatory. The submission of those items of information designated with an "R" is recommended, but not required.

37 C.F.R. § 1.823(b) (see M.P.E.P. § 2424, at page 2400-28; see also M.P.E.P. § 2424.02, at page 2400-31, col. 1 (Rev. 3, July 1997)). Subsection (iv), reproduced below, is one of the elements which may be included in Section "(2) INFORMATION FOR SEQ ID NO:X" as set forth in 37 C.F.R. § 1.823(b):

> (iv) ANTI-SENSE (yes/no - **R**):

37 C.F.R. § 1.823(b) (see M.P.E.P. § 2424, at page 2400-29, at col. 2)(emphasis added). Inclusion of information regarding the "anti-sense" nature of a sequence is recommended, but not required, since this item of information is designated with an "R." A substitute Sequence Listing

should not be required for information which is "not required" by the express language of the applicable rule. Reconsideration and withdrawal of the requirement to submit a substitute Sequence Listing is respectfully requested. The Examiner is urged to act on the merits of the case in the next communication.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Date: May 8, 2003

Application No.: 08/875849

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other: see enclosed communication

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
For Patentin software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

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